SUPREME COURT OF THE UNITED STATES.

No. 136.

LESLIE COMBS, APPELLANT,

vs.

WM. L. HODGE, ADM'R OF AND'W HODGE ET AL.

APPEAL FROM THE CIRCUIT COURT U. STATES FOR THE DISTRICT OF COLUMBIA, HOLDEN IN AND FOR THE COUNTY OF WASHINGTON.

INDEX.

	Original.	Print.
Citation	1a	1
Style of court	1	1
Parties	1	1
Bill of complaint	2	2
Exhibit A. James Love to compl't referred to in bill, p. 4	14	7
Exhibit B. Certificate of the transfer of stock by Love to compl't in the comptroller's office, Texas, 19 Ap'l, 1839	19	8
Exhibit C, No. 5217. Certificate for $5,000 of the consolidated fund, Texas	19	9
Certificate No. 5218. Do. do. do. do.	21	9
Do. No. 5220. Do. do. do. do.	22	10
Do. No. 5221. Do. do. do. do.	23	10
Do. No. 5223. Do. do. do. do.	24	11
Do. No. 5224. Do. do. do. do.	26	12
Do. No. 5222. Do. do. do. do.	27	12
Do. No. 5227. Do. do. do. do.	28	13
Do. No. 5228. Do. do. do. do.	29	13
Do. No. 5230. Do. do. do. do.	30	14
Do. No. 5231. Do. do. do. do.	32	14
Do. No. 5215. Do. do. do. do.	33	15
Do No. 5216. Do. do. do. do.	34	16
Do. No. 6235. Do. for $1,000 do. do.	35	16
Do. No. 6237. Do. for $1,000 do. do.	35	17
Do. No. 6238. Do. for $1,000 do. do.	36	17
Do. No. 6230. Do. for $1,000 do. do.	37	18
Do. No. 6231. Do. for $1,000 do. do.	38	18
Do. No. 6229. Do. for $1,000 do. do.	39	19

GIDEON, Print.

	Original.	Print.
Certificate No. 6232. Certificate for $1,000 of the consolidated fund, Texas	40	19
Do. No. 6233. Do. for $1,000 do. do.	41	20
Do. No. 6236. Do. for $1,000 do. do.	43	20
Do. No. 6234. Do. for $1,000 do. do.	44	21
Exhibit F. Love to Combs, 22 May, 1842	45	21
Do. G. Do. do. 4 July, 1842	47	22
Do. C. Do. do. 21 Sep., 1840	49	23
Do. E. Do. do. 17 Feb'y, 1842	51	24
Do. H. Do. do. 10 Feb'y, 1844	53	24
Do. D. Wm. L. Hodge to Jos. H. Bradley, esq., 2 March, 1853	55	25
Do. E. Transcript record, Lee vs. Hodge, for commercial court New Orleans	56	26
Exhibit No. 4. An act of the legislature of Texas for the relief of Leslie Combs	64	30
Order for injunction	65	31
Injunction bond	66	31
Injunction and subpœna issued	67	32
Marshal's return	67	32
Agreement of counsel	68	32
Do. do.	69	33
Order appointing Geo. W. Riggs receiver in this cause to invest funds	70	33
Bond of receiver	70	34
Answer of J. L. Hodge, adm'r, &c	72	35
Do. Wm. L. Hodge	74	35
Cause set for hearing by consent	77	37
Decree dismissing bill	77	37
Appeal prayed to Sup. Court U. States	78	37
Appeal bond	78	37
Clerk's certificate and seal	80	38

Citation.

DISTRICT OF COLUMBIA, *to wit:*

The United States of America to J. L. Hodge, adm'r of Andrew Hodge, dec'd, Wm. L. Hodge, and James Love, greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, on the first Monday of December next, pursuant to an appeal from the decree of the circuit court of the District of Columbia, sitting as a court of equity for Washington county, in a cause wherein you are defendants, and Leslie Combs was complainant, and show cause, if you can, why the said decree should not be corrected, and why speedy justice should not be done to the parties in this behalf.

Witness the Hon. James Dunlop, Chief Judge of the circuit court of the District of Columbia.

Issued this 3d day of June.

Style of Court.

DISTRICT OF COLUMBIA, *sct.*

At a circuit court of the District of Columbia, begun and held in and for the county of Washington, at the city of Washington, on the fourth Monday of March, being the twenty-third day of the same month, in the year of our Lord one thousand eight hundred and fifty-seven, and of the independence of the United States the eighty-first.

Present: The Hon. James Dunlop, Chief Judge.
The Hon. James S. Morsell, } Assistant Judges.
The Hon. William M. Merrick, }
Jonathan D. Hover, Esquire, Marshal.
John A. Smith, Clerk.

In the records of proceedings of the same court, among others, are the following, to wit:

Parties.

LESLIE COMBS
agst.
J. L. HODGE, adm'r of Andrew Hodge, dec'd,
Wm. L. Hodge, and James Love.

Be it remembered, that heretofore, to wit, on the 16th April, 1856, the said complainant, by Joseph H. Bradley, esquire, filed in court here the following bill of complaint and exhibits against the said defendants:

Bill.

To the Honorable James Dunlop, R. Morsell, and W. M. Merrick, Judges of the court of the United States for the District of Columbia, on the equity side of the said court.

The bill of complainant, of Leslie Combs, of Kentucky, respectfully showeth unto your honors: That in the year 1838–'9, your orator being desirous of making investments in the government securities of the then republic of Texas, employed one James Love, in the city of Galveston, in said republic, to purchase said securities. No formal written contract was entered into, but your orator was to furnish the said Love with money to purchase government debts or securities for your orator, which securities were by said Love, as agent of your orator, to be funded as part of the consolidated debt of the republic of Texas, in pursuance of the act of the Congress of the said republic, but the certificates to issue in the name of your orator. For his services the said Love was to receive a commission of ten per cent. on the money advanced. In pursuance of this agreement, your orator advanced to the said Love a large amount of money, and the said Love purchased for him evidences of the debt of the republic of Texas, amounting to $59,000 or thereabouts, which was, in pursuance of the laws of Texas, funded in the name of your orator on the 19th day of Ap il, 1839. For the sums so invested there issued to your orator certificates of the stock of the republic of Texas, which certificates bear date, some on the 18th day, and some on the 19th day of April, 1839, and are signed by Jackson Smith, stock commissioner, and countersigned by James B. Shaw, comptroller, and are numbered and purport to be for the values following, viz: No. 5217, value $5,000; 5218, for $5,000; 5219, for $5,000; 5220, for $5,000; 5221, for $5,000; 5222, for $5,000; 5223, for $5,000; 5224, for $5,000; 5227, for $1,000; 5228, for $1,000; 5229, for $1,000, 5230, for $1,000; 5231, for $5,000; 5215, for $5,000; 5210, for $5,000; making in all fifteen certificates, of the aggregate value of ($59,000) fifty-nine thousand dollars.

The said certificates were all delivered by said Love to your orator, who placed them temporarily with Doct. Ritchie, of New Orleans, for safe-keeping, in the year 1840, expectations having been excited that a loan for the benefit of the republic of Texas would be negotiated in Europe, and in that event it was expected these certificates would be paid in part, and renewed for the residue. With a view to receive such expected payment, he directed Dr. Ritchie to forward his bonds or certificates above named to the said James Love. On the 24th day of February, the said Love wrote to your orator that he had received from Dr. Ritchie $59,000 in the Texas bonds, and says, "which, with $9,500 I had in my hands before of yours, shall be arranged in the manner you point out and be deposited in the Merchants' Bank of New Orleans, subject to your order."

He further says, "I have also in my hands six thousand dollars in the promissory notes of the government, which will be funded or in-

vested in stock, as may be best for your interest, as well as the interest accruing on the first of March next, which is five per cent. on the whole amount of the bonds. All this is exclusive of my commission, which you have paid."

Your orator herewith exhibits this letter, marked (A), and prays it may be taken and read as part of this bill.

From it it appears that the said Love had in his hand the $59,000 and other stock of Texas, amounting to $9,500. Out of the means of your orator in his hands the said Love invested the further sum of $700, making the investments of your orator, made through the agency of said Love, amount in all to the sum of $69,200. Your orator files herewith (marked B) a certificate of James B. Shaw, comptroller of Texas, which shows the amount of stock standing in his name on the books of the stock of Texas was $69,200, which exhibit (B) he prays may be taken and read as part of this bill.

The six thousand dollars in promissory notes of Texas, and the interest collected by said Love in the Texan securities of your orator, subject to a credit for some small sums, stand as a debt from said Love, to be adjusted between him and your orator, but not intended to be involved in this suit.

Your orator further states and charges, that his only purpose in placing these bonds or certificates of stock in the hands of the said Love, was to enable him to receive the payments soon expected to be made on them by the republic of Texas, as before stated, and to exchange the residue on the books of the State of Texas for other certificates of the debts of that republic, as suggested by said Love. He avers and charges that he gave the said Love no authority or power to sell and dispose of said stock, or any part thereof, or to use the same in any other way than to receive for your orator's use such money as might be paid, and such new stock as might be issued in the redemption of the same. He further says, that by the law of the republic of Texas, and by the express provision on the face of the bond or certificate, the same was transferable only by your orator, or his legal attorney, on the books of the stock commissioner.

He avers that, according to his recollection, he never did execute a power of attorney to the said Love, to transfer the said certificates of stock, or any of them; nor has he ever himself transferred the said certificates, or any of them; certainly he never intended to give him any power to sell or transfer them, and calls for the production of said power if it ever existed. He further shows, that he did endorse his name on each of the said certificates, for the sole purpose of enabling the said Love to receive payment from the republic of Texas, as is above stated. He further shows, that the efforts of the republic of Texas to negotiate a loan in Europe failed, and the bonds could not be redeemed as was hoped. The object for which these certificates had been deposited with the said Love having failed, your orator called on him to return all his certificates. Love did return to your orator all his certificates, except two, viz: one, No. 5219, for $5,000; the other, 5229,

for $1,000. All the other original bonds or certificates in your orator's possession have been surrendered to the State of Texas, and new certificates issued to him under the provision of the act of the legislature of Texas, passed 31st day of Jan'y, 1852, commonly called the Sealing law. Copies of the bonds or certificates are herewith exhibited in document marked (C,) and are prayed to be taken and read as part of this bill.

Your orator believes and charges that the said Love parted with the possession of the said certificates, Nos. 5219 and 5229, for his own benefit, and not for your orator's use or benefit, but in violation of his duties and powers as agent. He further avers that said Love had no authority to transfer said certificates, or sell or pass them away to any person, except as your orator may have ordered for safe-keeping, it never being the design of your orator to sell the same. In what way, to what person, and under what circumstances the said certificates were attempted to be passed away by the said Love your orator was not informed until recently. He avers that the transaction was without his knowledge or consent; and he denies that he ever sanctioned the attempted transfer, or that it can in any way affect his rights.

For nearly fifteen years he has been inquiring for said certificates, but until very recently he has not been able to ascertain exactly in whose possession they were. Your orator herewith exhibits letters from said Love dated May 22, 1842, No. F, July 4th, 1842, No. G, Dec'r 10th, 1842, Sept. 21, 1840, No. C, Feb. 17, 1842, No. E, February 10th, 1844, No. H, which show that the transaction was wrongful, and that various abortive efforts were made by the said Love to procure the assent of your orator to make a disposition of said certificates, or to receive others in lieu of them, and show that information as to the persons to whom the bonds were attempted to be passed entirely withheld them from him.

He immediately and repeatedly gave proper notices to the officers of the government of Texas of the loss of his two said certificates, and presented his claim to them so as to prevent their transfer to any other person, but he believes the certificates never were presented for transfer by any other person. He further shows that the persons into whose possession the said certificates of debt came have kept him in ignorance of their claim and possession, except that in the year 1845, or thereabout, some person in New Orleans, through Messrs. Foreman, Kenneday & Co., requested from your orator a power of attorney to transfer this stock. Your orator wrote to Foreman, Kenneday & Co., in reply, claiming the certificates as his own property, and refusing to transfer them unless paid for them.

Some time thereafter your orator, believing that his two missing certificates were in the possession of Wm. L. Hodges, of the city of Washington, D. C., employed Joseph H. Bradley, esq., of said city, as counsel to institute proceedings for their recovery. Mr. Bradley asked permission before he instituted proceedings to communicate with Mr. Hodge. Your orator consented. Mr. Bradley wrote to Mr. Hodge,

and received from him in reply a letter dated 8 March, 1853, which is herewith exhibited and marked D, and prayed to be taken and read as part of this bill. From this letter it appears that W. L. Hodge denies all interest in the certificates, and denies he has possession or control of them, but does not disclose who has. Your orator, confiding in the truth of Mr. Hodge's representations, and inferring from his letter that he did not wish to disclose the name of the holder, did not then sue him.

In the month of Jan., 1856, your orator was in the city of New Orleans, and was then, for the first time, informed that a suit had existed in that city in relation to one of his missing certificates of stock, between Josiah Lee and the said Wm. L. Hodges; a copy of the record of this suit is herewith exhibited, marked E, and prayed to be taken and read as part of this bill. From it it appears that, on the 6th Feb., 1846, W. L. Hodge had sold the $5,000 bond, No. 5219, to Josiah Lee; that he then promised to have it properly conveyed; that he alleged Love had a power of attorney from your orator and authority to convey. It further appears that the said W. L. Hodge sold the stock as his own, and did not pretend, in his answer, that he made the sale for and on account of any other person. It further appears that judgment was signed against W. L. Hodge, personally, for the sum of money paid him for the said stock by the said J. Lee; and that on the 31 Jan'y, 1850, the said W. L. Hodge received the said stock from the court. What the said Hodge did with the said stock after he recovered it, and where he kept it, your orator does not know; and how Hodge can reconcile the facts established by this record with his denial, in 1853, that he had not then or ever had any pecuniary or other interest in said certificate of stock, your orator does not know. The letter of said Hodge seems to have been written to deceive and mislead your orator and to prevent him from taking proper steps to take the said certificates out of the possession of said Hodge or his vendor or agent. Your orator further shows, that by recent legislation of Congress and the State of Texas the said bonds are now payable at the Treasury of the United States, and that the said W. L. Hodge has produced the said certificates of stock, and filed them in the name of one Andrew Hodge, of New Orleans, with the Secretary of Treasury of U. S., and is *to* seeking to obtain payment of them.

Your orator further shows, that not being able to *to* discover the holder of these certificates, he applied to the legislature of Texas to relieve him, and that legislature passed an act for his relief, herewith exhibited, marked No. 4, which authorizes his whole demand to be settled, including the last certificates. But when his claim was presented for settlement the auditing officers did not settle his lost certificates, which he was unable to produce, owing to the causes hereinbefore fully stated. Your orator claims the said certificates, because they are his property; that he never in any way authorized the transfer of the same; that no legal transfer has ever been made of them; and he charges that the present holders have always been aware there was no

legal transfer. Your orator has never received anything for said certificates; has never in any way sanctioned their transfer or done any act to give right to the holders. Your orator has been informed recently by said Love, that the attempted alienation of these bonds was made to one May in payment of a pre-existing debt of said Love to May; that when due he believed he would have similar bonds or other funds to replace the same, and take them up to be handed over to your orator. Your orator is advised that such a transfer would not have been for a valuable consideration, or have divested him of his proprietorship, even if Love had been clothed with full authority to make a sale and transfer, for your orator had executed said transfer as provided by law and on the face of the bond. He is also advised that said Love having no power to make such transfer and sale, neither the said May nor any holder from him could acquire any right to said bonds against your orator.

In consideration of the premises, your orator prays the interposition of your honors, that said James Love, of Texas, now in the city of Washington, Andrew Hodge, of New Orleans, and Wm. L. Hodge, of Washington, D. C., may be made defendants to this bill, and require to answer it on oath; and more especially, that said Love may disclose all the particulars connected with his attempted alienation of said stock, to whom it was made, when, and the consideration therefor? That the said Andrew Hodge, Wm. L. Hodge, may severally, on oath, disclose how they came to possession of said bonds—from whom, and when; what consideration they paid, if any? Whether they or either of them claim to said bonds in their own right; if so, what interest each has and when acquired? If any other person is interested in them, who is that person, and to what extent interested? When said W. L. Hodge sold one of said certificates to J. Lee in Feb'ry, 1846, was it on his own account, or as agent for another person, and who that person was? When said W. L. Hodge received said certificate for $5,000, in Jan'y, 1850, from the clerk's office in New Orleans, under the order of Jacob Barker, esq., att'y for Lee, was it on his own account, or as agent of some one else? If on his own account, when, how, and for what price did he sell the same? If on account of any other person, what is the name of that person, and why does not his name appear in the case, and what was his interest, and when acquired? And your orator prays your honors will enjoin said Andrew Hodge, and Wm. L. Hodge, and all other persons claiming in any way, from receiving any money at the Treasury of the United States, or elsewhere, for or on account of said bonds or certificates of stock, that the said bonds or certificates may be surrendered to your orator as the only true owner; and will your honors make a decree authorizing him to receive or control the same for his own use, and grant such other and further relief as may be equitable and just, and as to your honors shall seem meet; and he will ever pray, &c.

LESLIE COMBS,
By BAXTER & BRADLEY,
Solicitors.

On this 16th April, 1856, personally appears Leslie Combs, in open court, and makes oath that the facts as stated in the aforegoing bill, of his own knowledge, are true, and those stated on the information of others he believes to be true.

Test: JNO. A. SMITH, *Clk.*

Exhibit A, referred to in Bill.

Exhibit A.

GALVESTON, , 1840.

DEAR SIR: I have received of Dr. Ritchie $59,000 in Texian bonds, which, together with $9,500 I had in my hands before of yours, shall be arranged in the manner you point out, and be deposited in the Merchants' Bank of N. O., subject to your order. I have also in my hands six thousand dollars in the promissory notes of the government, which will be funded or invested in stock, as may be best for your interest, as well as the interest accruing on the first of March next, which is five per cent. on the whole amount of bonds. All this is exclusive of my commissions which you have paid.

To the interrogatories you have propounded, I answer:

1st. If the loan is effected, of which I have doubt, the interest will be paid in the U. S., most probably in N. Y., as, by the contract with the commissioners, the money is to be paid to our government there. It is, therefore, less expensive to pay it in the U. S. than in Texas. The bonds you know are payable 1st Sept., 1842. Should the loan be made, the proposition will be made by the government to the holders to take half the amount of bonds now, and refund the balance at 20 years, at a reduced rate of interest. They will then have the election to do so, or to receive interest semi-annually, and take their chances of full payment in 1842. I would advise the former. When I speak to you on this or any other subject connected with our affairs, it is with the understanding that you are apprized of the sources of information I have, and the knowledge I have of the affairs of Texas, as well foreign as domestic.

2d. There is in circulation one million eight hundred thousand dollars in the promissory notes of the government—one-half due, the other at uncertain periods up to 1st Jan., 1841. There has been funded $850,000; $230,000 of audited claims of old dates not yet presented for payment, or to be funded. The amount of bonds given for the purchase of vessels of war $500,000; for the loan last summer $350,000; which makes of debt ascertained $3,730,000. Add $270,000 for contingencies, it makes a total of four millions, which is all the debt we owe, direct or indirect. To meet this debt we have $500,000 of revenue from customs; this sum will be increased the present year, as the duties have been increased to 15 pr. cent. ad valorem on everything but spirits, which is specific and much higher. I cannot say precisely what the revenue will be from the land tax; the last Congress fixed the tax at one per cent., making the minimum price of lands one

dollar, the maximum two. I would suppose the amount would be at least $750,000. This high tax was assessed, because our currency is so depreciated, it was thought advisable to make some regulation to take it out of circulation as soon as possible, this and the duties being the only means in their power. There is due the government nearly a million of balances on lands, averaging upwards of $100 the league; the greater portion of this sum will be paid the present year, because the titles cannot issue until it is paid, and all are anxious to have their titles. From all these lands the circulation will be redeemed the present year; I say nothing of the expected income from public lands, because I not believe we will, the present year, realize anything from that source. The law of Congress, this present session, directing the sectionizing and sale of the Cherokee county, will alone, so soon as it can be done, be sufficient to pay all our debts. The expenses of the civil list is $260,000; that of the army and navy depends on circumstances. I have explained to you before why that of the navy will be nominal as well as that of the army, except in defence of the frontier against the Indians, whom we have defeated in every encounter, and driven back every day, until they now sue for peace, as the only preventive of extermination.

You will see that whether we succeed in the loan or not, our affairs are in a sound state. With the loan we will be too rich; add to this the universal feeling on the part of our people to preserve the public faith, the competency and integrity of our public officers, the increasing prosperity of our country, the rapid development of our agricultural resources, the extension of our commerce, the attention we are attracting in Europe, are all signs of our future happiness and prosperity. The recognition by England and peace with Mexico, both of which I believe will take place the present year, leaves us nothing to ask for. For the first, Gen'l Hamilton assured me had the promise of Lord Palmerston; for the second I have before given you the reasons for my opinion. Having made this investment for you, and having now no interest in it, I can speak to you as an old friend of by-gone days. Do not sacrifice it. If you are obliged to sell at a sacrifice, let me make the sale; I can do it better than you. It is worth par, because our commissioners are not authorized to take less than par for ten per cent. bonds, and neither bankers nor capitalist in Europe or America has asked them to take less. In the mean time, should any contingency arise that would in my opinion make them unsafe, I will, without delay, inform you.

I am your friend,
JAS. LOVE.

Exhibit B.

STATE OF TEXAS, COMPTROLLER'S OFFICE,
Austin, Jan'y 11th, 1848.

I, the undersigned, comptroller of public accounts, &c., for the State of Texas, do hereby certify, that James Love has transferred on the

books of this office to Leslie Combs, on the 19th day of April, 1839, the sum of fifty thousand dollars of the stock of the consolidated fund of the late republic of Texas, and a further sum of ten thousand dollars of the stock of same fund on the 29th day of January, 1842, and also that the said Combs funded the sum of nine thousand two hundred dollars on the 18th day of April, 1839: making in all the sum of sixty-nine thousand two hundred dollars, which now stands on the books of this office to the credit of said Combs.

In testimony whereof I hereunto set my hand and seal of office, the date above written. JAMES B. SHAW, *Compt.*

Exhibit C.—No. 5,217.

Exhibit C.

1. No. 5,217.—Consolidated Fund of Texas—$5,000.

The government of Texas acknowledges to owe to Leslie Combs fifty shares, of the sum of one hundred dollars each, amounting to five thousand dollars, in the consolidated fund of Texas, created by the authority of an act of Congress entitled "An act to authorize the consolidation and funding the public debt," approved the 7th day of June, 1837, redeemable at the convenience of the government, at any time after the first day of September, one thousand eight hundred and forty-two, and bearing an interest at the rate of ten per centum per annum from the first day of March, 1839, payable on the first day of September next, and semi-annually thereafter, upon the presentation of this certificate, and the corresponding dividend warrant hereto attached. For the payment and redemption of this stock, the public faith is hereby pledged, and so much of the revenue arising from imposts and direct taxation as may be necessary is appropriated and hereby set apart for the payment of the interest. This certificate is transferable by the said Leslie Combs, or his legal attorney or representative, on the books of the stock commissioner only.

In testimony whereof the stock commissioner has hereunto set his hand, at the city of Houston, this nineteenth day of April, 1839, and the same is duly countersigned by the comptroller.

JACKSON SMITH,
Stock Commissioner.

JOHN B. SHAW,
Acting Comptroller.

Certificate No. 5,218.

2. No. 5,218.—Consolidated Fund of Texas—$5,000.

The government of Texas acknowledges to owe to Leslie Combs fifty shares, of the sum of one hundred dollars each, amounting to five *five* thousand dollars, in the consolidated fund of Texas, created by the authority of an act of Congress entitled "An act to authorize the consolidation and funding the public debt," approved the 7th day of June, 1837, redeemable at the convenience of the government at any time

after the first day of September, one thousand eight hundred and forty-two, and bearing an interest at the rate of ten per centum per annum from the first day of March, 1839, payable on the first day of September next, and semi-annually thereafter, upon the *preservation* of this certificate, and the corresponding dividend warrant hereto attached. For the payment and redemption of this stock the public faith is hereby pledged, and so much of the revenue arising from imposts and direct taxation as may be necessary is appropriated and hereby set apart for the payment of the interest. This certificate is transferable by the said Leslie Combs, legal attorney or representative, on the books of the stock commissioner only.

In testimony whereof the stock commissioner has hereunto set his hand, at the city of *Huston*, this nineteenth day of April, 1839, and the same is duly countersigned by the comptroller.

JACKSON SMITH, *Stock Commissioner.*

JAMES B. SHAW,
Acting Comptroller.

Certificate No. 5,220.

3. No. 5,220.—Consolidated Fund of Texas—$5,000.

The government of Texas acknowledge to owe to Leslie Combs fifty shares, of the sum of one hundred dollars each, amounting to five thousand dollars, in the consolidated fund of Texas, created by the authority of an act of Congress entitled "An act to authorize the consolidation and funding the public debt," approved the 7th day of June, 1837, redeemable at the convenience of the government, at any time after the first day of September, one thousand eight hundred and forty-two, and bearing an interest at the rate of ten per centum per annum from the first day of March, 1839, payable on the first day of September next, and semi-annually thereafter, upon the presentation of this certificate, and the corresponding dividend warrant hereto attached. For the payment and redemption of this stock the public faith is hereby pledged, and so much of the revenue arising from imposts and direct taxation as may be necessary is appropriated and hereby set apart for the payment of the interest. This certificate is transferable by the said Leslie Combs, or his legal attorney or representative, on the books of the stock commissioner only.

In testimony whereof the stock commissioner has hereunto set his hand, at the city of Houston, this nineteenth day of April, 1839, and the same is duly countersigned by the comptroller.

JACKSON SMITH, *Stock Commissioner.*

JAMES B. SHAW,
Acting Comptroller.

No. 5,221.

4. No. 5,221.—Consolidated Fund of Texas—$5,000.

The government of Texas acknowledge to owe to Leslie Combs fifty shares, of the sum of one hundred dollars each, amounting to five thou-

sand dollars, in the consolidated fund of Texas, created by the authority of an act of Congress entitled "An act to authorize the consolidation and funding the public debt," approved the 7th day of June, 1837, redeemable at the convenience of the government at any time after the first day of September, one thousand eight hundred and forty-two, and bearing an interest at the rate of ten per centum per annum from the first day of March, 1839, payable on the 1st day of September next, and semi-annually thereafter, upon the presentation of this certificate, and the corresponding dividend warrant hereto attached.

For the payment and redemption of this stock the public faith is hereby pledged, and so much of the revenue arising from imposts and direct taxation as may be necessary is appropriated and hereby set apart for the payment of the interest. This certificate is transferable by the said Leslie Combs, or his legal attorney or representative, on the books of the stock commissioner only.

In testimony whereof the stock commissioner has hereunto set his hand, at the city of *Huston*, this nineteenth day of April, 18 , and the same is duly countersigned by the comptroller.

JACKSON SMITH,
Stock Commissioner.

JAMES B. SHAW,
Acting Comptroller.

No. 5,223.

5. No. 5,223.—Consolidated Fund of Texas—$5,000.

The government of Texas acknowledges to *we* to Leslie Combs fifty shares, of the sum of one hundred dollars each, amounting to five thousand dollars, in the consolidated fund, created by the authority of an act of Congress entitled "An act to authorize the consolidation and funding the public debt," approved the 7th day of June, 1839, redeemable at the convenience of the government, at any time after the first day of September, one thousand eight hundred and forty-two, and bearing an interest at the rate of ten per centum per annum, from the first day of March, 1839, payable on the first day of September next, and semi-annually thereafter, upon the presentation of this certificate, and the corresponding dividend warrant, hereto attached. For the payment and redemption of this stock the public faith is hereby pledged, and so much of the revenue arising from imposts and direct taxation as may be necessary is appropriated and hereby set apart for the payment of the interest.

This certificate is transferable by the said Leslie Combs, or his legal attorney or representative, on the books of the stock commissioner only.

In testimony whereof the stock commissioner has hereunto set his hand, at the city of *Huston*, this nineteenth day of April, 1839, and the same is duly countersigned by the comptroller.

JACKSON SMITH,
Stock Commissioner.

JAMES B. SHAW,
Acting Comptroller.

No. 5,224.

6. No. 5,224.—Consolidated Fund of Texas—$5,000

The government of Texas acknowledges to owe to Leslie Combs fifty shares, of the sum of one hundred dollars each, amounting to five thousand dollars, of the consolidated fund of Texas, created by the authority of an act of the Congress entitled "An act to authorize the consolidation and funding the public debt," approved the 7th day of June, 1837, redeemable at the convenience of the government, at any time after the first day of September, one thousand eight hundred and forty-two, and bearing an interest at the rate of ten per centum per annum, from the first day of March, 1839, payable on the first day of September next, and semi-annually thereafter, upon the presentation of this certificate, and the corresponding dividend warrant thereto attached. For the payment and redemption of this stock the public faith is hereby pledged, and so much revenue arising from imposts and direct taxation as may be necessary is appropriated and hereby set apart for the payment of the interest. This certificate is transferable by the said Leslie Combs, or his legal attorney or representative, on the books of the stock commissioner only.

In testimony whereof the stock commissioner has hereunto set his hand, at the city of Houston, this nineteenth day of April, 1839, and the same is duly countersigned by the comptroller.

JACKSON SMITH,
Stock Commissioner.

JAMES B. SHAW,
Acting Comptroller.

No. 5,222.

7. No. 5,222.—Consolidation Fund of Texas.—$5,000.

The government of Texas acknowledge to owe to Leslie Combs fifty shares, of one hundred dollars each, amounting to five thousand dollars, in the consolidated fund of Texas, created by the authority of Congress entitled An act to authorize the consolidation and funding the public debt, approved the 7th day of June, 1837, redeemable at the convenience of the government, at any time after the first day of September, one thousand eight hundred and forty-two, and bearing an interest at the rate of ten per centum per annum, from the first day of March, 1839, payable on the first day of September next, and semi-annually thereafter, upon the presentation of this certificate, and the corresponding dividend warrant hereto attached. For the payment and redemption of this stock the public faith is hereby pledged, and so much of the revenue arising from imposts and direct taxation as may be necessary is appropriated and hereby set apart for the payment of the interest. This certificate is transferable by the said Leslie Combs, his legal attorney or representative, on the books of the stock commissioner only.

In testimony whereof the stock commissioner has set his hand at the city of Houston, this nineteenth day of April, 1839, and the same is duly countersigned by the comptroller.

JACKSON SMITH,
Stock Commissioner.

JAMES B. SHAW,
Act'g Comptroller.

No. 5,227.

8. No. 5,227.—Consolidated Fund of Texas.—$1,000.

The government of Texas acknowledges to owe to Leslie Combs ten shares, of the sum of one hundred dollars each, amounting to one thousand dollars, in the consolidated fund of Texas, created by the authority of an act of Congress entitled An act to authorize the consolidation and funding the public debt, approved the 7th day of June, 1837, redeemable at the convenience of the government, at any time after the first day of September, one thousand eight hundred and forty-two, and bearing an interest at the rate of ten per centum per annum, from the first day of March, 1839, payable on the first day of September next, and semi-annually thereafter, upon the presentation of this certificate, and the corresponding dividend warrant thereto attached. For the payment and redemption of this stock the public faith is hereby pledged, and so much of the revenue arising from imposts and direct taxation as may be necessary is appropriated and hereby set apart for the payment of the interest. This certificate is transferable by the said Leslie Combs, his legal attorney or representative, on the books of the stock commissioner only.

In testimony whereof, the stock commissioner has hereunto set his hand, at the city of *Huston*, this nineteenth day of April, 1839, and the same is duly countersigned by the comptroller.

JACKSON SMITH,
Stock Commissioner.

JAMES B. SHAW,
Act'g Comptroller.

No. 5,228.

9. No. 5,228.—Consolidated Fund of Texas—$1,000.

The government of Texas acknowledge to owe to Leslie Combs ten shares, of the sum of one hundred dollars each, amounting to one thousand dollars, in the consolidated fund of Texas, created by the authority of an act of Congress entitled An act to authorize the consolidation and funding the public debt, approved the 7th day of June, 1837, redeemable at the convenience of the government at any time after the first day of September, one thousand eight hundred and forty-two, and bearing an interest at the rate of ten per centum per annum from the first day of March, 1839, payable on the first day of September next,

and semi-annually thereafter, upon the presentation of this certificate, and the corresponding dividend warrant hereto attached. For the payment and redemption of this stock the public faith is hereby pledged, and so much of the revenue arising from imposts and direct taxation as may be necessary is appropriated and hereby set apart for the payment of the interest. This certificate is transferable by the said Leslie Combs, his legal attorney or representative, on the books of the stock commissioner only.

In testimony whereof the stock commissioner has hereunto set his hand, at the city of Houston, this nineteenth day of April, 1839, and the same is duly countersigned by the comptroller.

JACKSON SMITH,
Stock Commissioner.

JAMES B. SHAW,
Act'g Comptroller.

No. 5,230.

10. No. 5,230.—Consolidated Fund of Texas—$1,000.

The government of texas acknowledges to owe to Leslie Combs ten shares, of the sum of one hundred dollars each, amounting to one thousand dollars, in the consolidated fund of Texas, created by the authority of an act of Congress entitled An act to authorize the consolidation and funding the public debt, approved the 7th day of June, 1837, redeemable at the convenience of the government at any time after the 1st day of September, one thousand eight hundred and forty-two, and bearing an interest at the rate of ten per centum per annum, from the first day of March, 1839, payable on the first day of September next, and semi-annually thereafter, upon the presentation of this certificate, and the corresponding dividend warrant hereto attached. For the payment and redemption of this stock the public faith is hereby pledged, and so much of the revenue arising from imposts and direct taxation as may be necessary is appropriated and hereby set apart for the payment of the interest.

This certificate is transferable by the said Leslie Combs, his legal attorney or representative, on the books of the stock commissioner only. In testimony whereof the stock commissioner has hereunto set his hand, at the city of Houston, this nineteenth day of April, 1839, and the same is duly countersigned by the comptroller.

JACKSON SMITH,
Stock Commissioner.

JAMES B. SHAW,
Act'g Comptroller.

No. 5,231.

11. No. 5,231.—Consolidated Fund of Texas—$5,000.

The government of Texas acknowledges to owe to Leslie Combs fifty shares, of the sum of one hundred dollars each, amounting to five

thousand dollars, in the consolidated fund of Texas, created by the authority of an act of Congress entitled An act to authorize the consolidation and funding of the public debt, approved the 7th day of June, 1837, redeemable at the convenience of the government at any time after the first day of September, one thousand eight hundred and forty-two, and bearing an interest at the rate of ten per centum per annum from the first day of March, 1839, payable on the first day of September next, and semi-annually thereafter, on the presentation of this certificate, and the corresponding dividend hereto attached. For the payment and redemption of this stock the public faith is hereby pledged, and so much of the revenue arising from imposts and direct taxation as may be necessary is appropriated, and hereby set apart for the payment of the interest. This certificate is transferable by the said Leslie Combs, his legal attorney or representative, on the books of the stock commissioner only. In testimony whereof the stock commissioner has hereunto set his hand, at the city of Houston, this nineteenth of April, 1839, and the same is duly countersigned by the comptroller.

JACKSON SMITH,
Stock Commissioner.

JAMES B. SHAW,
Act. Comptroller.

No. 5,215.

12. No. 5,215.—Consolidated Fund of Texas—$5,000.

The government of Texas acknowledge to owe Leslie Combs fifty shares, of the sum of one hundred dollars each, amounting to five thousand dollars, in the consolidated fund of Texas, created by the authority of an act of Congress entitled An act to authorize the consolidation and funding the public debt, approved the 7th day of June, 1837, redeemable at the convenience of the government at any time after the first day of September, one thousand eight hundred and forty-two, and bearing an interest at the rate of ten per centum per annum from the first day of March, 1839, payable on the first day of September next, and semi-annually thereafter, upon the presentation of this certificate, and the corresponding dividend warrant hereto attached. For the payment and redemption of this stock the public faith is hereby pledged, and so much of the revenue arising from imposts and direct taxation as may be necessary is appropriated, and hereby set apart for the payment of the interest. This certificate is transferable by the said , legal attorney or representative, on the books of the stock commissioner only. In testimony whereof the stock commissioner has hereunto set his hand, at the city of Houston, this nineteenth day of April, 1839, and the same is duly countersigned by the comptroller.

JOHN SMITH,
Stock Commissioner

JAMES B. SHAW,
Act'g Comptroller.

No. 5,216.

13. No. 5,216.—Consolidated Fund of Texas—$5,000.

The government of Texas acknowledge to owe to Leslie Combs fifty shares, of the sum of one hundred dollars each, amounting to five thousand dollars, in the consolidated fund of Texas, created by the authority of an act of Congress entitled An act to authorize the consolidation and funding the public debt, approved the 7th day of June, 1837, redeemable at convenience of the government at any time after the first day of September, one thousand eight hundred forty-two, and bearing an interest at the rate of ten per centum from the first day of March, 1839, payable on the first day of September next, and semi-annually thereafter, upon the presentation of this certificate, and the corresponding dividend warrant thereto attached. For the payment and redemption of the stock the public faith is hereby pledged, and so much of the revenue arising from imposts and direct taxation as may be necessary is appropriated, aud hereby set apart for the interest. This certificate is transferable by the said Leslie Combs, or his legal attorney or representative, on the books of the stock commissioner only. In testimony whereof the stock commissioner has hereunto set his hand, at the city of Houston, this nineteenth day of April, 18 , and the same is duly countersigned by the comptroller.

JACKSON SMITH,
Stock Commissioner.

JAMES B. SHAW,
Act'g Comptroller.

No. 6,235.

14. No. 6,235.—Consolidated Fund of Texas—$1,000.

The government of Texas acknowledge to owe to Leslie Combs ten shares, of the sum of one hundred dollars each, amounting to one thousand dollars, in the consolidated fund of texas, created by the authority of an act of Congress entitled An act to authorize the consolidation and funding the public debt, approved the 7th day June, 1837, redeemable at the convenience of the government, at any time after the first day of September, one thousand eight hundred and forty-two, and bearing an interest at the rate of ten per centum per annum, from the first day of September, 1841, payable on the first day of March next, and semi-annually thereafter, upon the presentation of this certificate. For the payment and redemption of this stock the public faith is hereby pledged, and so much of the revenue arising from imposts and direct taxation as may be necessary is appropriated and hereby set apart for the payment of the interest. This certificate is transferable by the said Leslie Combs, or his legal attorney or representative, on the books of the stock commissioner only.

Austin, Jan'y 29, 1842.

J. N. SCOTT,
Act'g Comptroller and Stock Commissioner.

1000

No. 6,237.

15. No. 6,237.—Consolidated Fund of Texas—$1,000.

The government of Texas acknowledge to owe to Lestie Combs ten shares, of the sum of one hundred dollars each, amounting to one thousand dollars, in the consolidated fund of Texas, created by the authority of an act of Congress entitled An act to authorize the consolidation and funding the public debt, approved the 7th day of June, 1837, redeemable at the convenience of the government, at any time after the first day of September, one thousand eight hundred and forty-two, and bearing an interest at the rate of ten per centum per annum, from the first day of September, 1841, payable on the first day of March next, and semi-annually thereafter, upon the presentation *is* this certificate. For the payment and redemption of this stock the public faith is hereby pledged, and so much of the revenue arising from imposts and direct taxation as may be necessary is appropriated and hereby set apart for the payment of the interest. This certificate is transferable by the said Leslie Combs, or his legal attorney or representative, on the books of the stock commissioner only.

Austin, Jan'y 29th, 1842.

J. W. SCOTT,
Act'g Comptroller and Stock Commissioner.

No. 6,238.

No. 6,238.—Consolidated Funds of Texas.—$1,000.

The government of Texas acknowledge to owe to Leslie Combs ten shares, of the sum of one hundred dollars each, amounting to one thousand dollars, in the consolidated fund of Texas, created by the authority of an act of Congress entitled An act to authorize the consolidation and funding the public debt, approved the 7th day of June, 1837, redeemable at the convenience of the government, at any time after the first day of September, one thousand eight hundred and forty-two, and bearing an interest at the rate of ten per centum per annum, from the first day of September, 1841, payable on the first day of March next, and semi-annually thereafter, upon the presentation of the certificate. For the payment and redemption of this stock the public faith is hereby pledged, and so much of the revenue arising from imposts and direct taxation as may be necessary is appropriated and hereby set apart for the payment of the interest. This certificate is transferable by the said Lestie Combs, or his legal attorney or representative, on the books of the stock commissioner only.

Austin, Jan'y 29, 1842.

J. W. SCOTT,
Act'g Comptroller and Stock Commissioner.

No. 6,230.

17. No. 6,230.—Consolidated Fund of Texas—$1,000.

The government of Texas acknowledge to owe to Leslie Combs ten shares, of the sum of one hundred dollars each, amounting to one thousand dollars, in the consolidated fund of Texas, created by the authority of an act of Congress entitled An act to authorize the consolidation and funding the public debt, approved the 7th day of June, 1847, redeemable at the convenience of the government at any time after the first day of September, one thousand eight hundred and forty-two, and bearing *and* interest, at the rate of ten per centum per annum, from the first day of September, 1841, payable on the 1st day of March next, and semi-annually thereafter, upon the presentation of this certificate. For the payment and redemption of this stock the public faith is hereby *pleged;* and so much of the revenue arising from *imposte* and direct taxation as may be necessary is *prepriated* and hereby set apart for the payment of the interest.

This certificate is transferable by the said Leslie Combs, or his legal attorney or representative, on the books of the stock commissioner only.

J. W. SCOTT,
Act'g Comptroller and Stock Commissioner.

Austin, Jan'y 29th, 1842.

No. 6,231.

18. No. 6,231.—Consolidated Fund of Texas—$1,000.

The government of Texas acknowledge to owe to Leslie Combs ten shares, of the sum of one hundred dollars each, amounting to one thousand dollars, in the consolidated fund of Texas, created by the authority of an act of Congress entitled *And* act to authorize the consolidation and funding the public debt, approved the 9th day of June, 1837, redeemable at the convenience of the government at any time after the first day of September, one thousand eight hundred and forty-two, and bearing *and* interest, at the rate of ten per centum per annum, from the first day of March, 1841, payable on the first day of March next, and semi-annually thereafter, upon the presentation of this certificate. For the payment and redemption of this stock the public faith is hereby *pleged;* and so much of the revenue arising from imposts and direct taxation as may be necessary is appropriated and hereby set apart for the payment of the interest.

This certificate is transferable by the said Leslie Combs, or his legal attorney or representative, on the books of the stock commissioner only.

A. W. SCOTT,
Act. Comptroller and Stock Commissioner.

Austin, Jan'y 29th, 1842.

No. 6,229.

19. No. 6,229.—Consolidated Fund of Texas—$1,000.

The government of Texas acknowledged to owe to Leslie Combs ten shares, of the sum of one hundred dollars each, amounting to one thousand dollars, in the consolidated fund of Texas, created by the authority of an act of Congress entitled An act to authorize the consolidation and funding the public debt, approved the 7th day of June, 1837, redeemable at the convenience of the government at any time after the first day of September, one thousand eight hundred and forty-two, and bearing an interest at the rate of ten per centum per annum from the first day of September, 1841, payable on the first day of March next, and semi-annually thereafter, upon the presentation of this certificate. For the payment and redemption of this stock the public faith is hereby pledged; and so much of the revenue arising from imposts and direct taxation as may be necessary is appropriated and hereby set apart for the payment of the interest.

This certificate is transferable by the said Leslie Combs, or his legal attorney or representation, on the books of the stock commissioner only.

J. W. SCOTT,
Act'g Comptroller and Stock Commissioner.

Austin, January 29th, 1842.

No. 6,232.

No. 6,232.—Consolidated Fund of Texas—$1,000.

The government of Texas acknowledge to owe to Leslie Combs ten shares, of the sum of one hundred dollars each, amounting to one thousand dollars, in the consolidated fund of Texas, created by the authority of an act of Congress entitled An act to authorize the consolidation and funding the public debt, approved the 7th day of June, 1837, redeemable at the convenience of the government at any time after the first day of September, one thousand eight hundred and forty-two, and bearing an interest at the rate of ten per centum per annum from the first day of September, 1841, payable on the first of March next, and semi-annually thereafter, upon the presentation of this certificate. For the payment and redemption of this stock the public faith is hereby pledged; and so much of the revenue arising from imposts and direct taxation as may be necessary is appropriated and hereby set apart for the payment of the interest.

This certificate is transferable by the said Leslie Combs, or his legal attorney or representative, on the books of the stock commissioner only.

J. W. SCOTT,
Act'g Comptroller and Stock Commissioner.

Austin, January 29th, 1842.

No. 6,233.

No. 6,233.—Consolidated Fund of Texas—$1,000.

The government of Texas acknowledge to owe to Leslie Combs ten shares, of the sum of one hundred dollars each, amounting to one thousand dollars, in the consolidated fund of Texas, created by the authority of an act of Congress entitled *And* act to authorize the consolidation and funding the public debt, approved the 7th day of June, 1837, redeemable at the convenience of the government at any time after the first day of September, one thousand eight hundred and forty-two, and bearing an interest at the rate of ten per centum per annum from the first day of September, 1841, payable on the first of March next, and semi-annually thereafter, upon the presentation of this certificate. For the payment and redemption of this stock the public faith is hereby pledged, and so much of the revenue arising from imposts and direct taxation as may be necessary is *propriated* and hereby set apart for the payment of the interest.

This certificate is transferable by the said Leslie Combs, or his legal attorney or representative, on the books of the stock commissioners only.

J. W. SCOTT,
Act'g Comptroller and Stock Commissioner.

Austin, Jan'y 29, 1842.

No. 6,236.

No. 6,236.—Consolidated Funds of Texas—$1,000.

The government of Texas acknowledge to owe to Leslie Combs ten shares, of the sum of one hundred dollars each, amounting to one thousand dollars, in the consolidated fund of Texas, created by the authority of an act of Congress entitled An act *of* to authorize the consolidation and funding the public debt, approved the 7th day of June, 1837, redeemable at the convenience of the government at any time after the first day of September, one thousand eight hundred and forty-two, and bearing an interest at the rate of ten per centum per annum from the first day of September, 1841, payable on the first day of March next, and semi-annually thereafter, upon the presentation of this certificate. For the payment and redemption of this stock the public faith is hereby pledged, and so much of the revenue arising from imposts and direct taxation as may be necessary is appropriated and hereby set apart for the payment of the interest.

This certificate is transferable by the said Leslie Combs, or his legal attorney or representative, on the books of the *stock company* commissioners only.

Austin, Jan'y 29th, 1842.

J. W. SCOTT,
Act'g Comptroller and Stock Commissioner.

No. 6,234.

No. 6,234.—Consolidated Fund of Texas—$1,000.

The government of Texas acknowledge to owe to Leslie Combs ten shares, of the sum of one hundred dollars each, amounting to one thousand dollars, in the consolidated fund of Texas, created by the authority of an act of Congress entitled An act to authorize *consolidated* and funding public debt, approved the 7th day of June, 1837, redeemable at the convenience of the government at any time after the first day of September, one thousand eight hundred forty-two, and bearing *and* interest at the rate of ten per centum per annum, from the first day of September, 1841, payable on the first day of March next, and semi-annually thereafter, upon presentation of the certificate.

For the payment and redemption of this stock the public faith is hereby pledged, and so much of the revenue arising from imposts and direct taxation as may be necessary is appropriated and hereby set apart for the payment of the interest. This certificate is transferable by the said Leslie Combs, or his legal attorney or representative, on the books of the stock commissioner only.

J. W. SCOTT,
Acting Comptroller and Stock Commissioner.

Austin, Jan'y 25th, 1842.

Exhibit F.

Exhibit or Letter F.

GALVESTON, *May* 22, 1842.

DEAR COMBS: Your letter from Philadelphia was received by the last boat. I am sory to learn the execution has been issued and likely to fall upon the securities of Judge Eve, and enough to ruin two plain farmers, with moderate means only, in their old age. I wrote to you why the endorsement of Mr. Burnly was not given. I had no right to ask him, and because it formed no part of the understanding. I urged Judge Eve to make the arrangement, because I felt every disposition to serve you, and did not believe it would materially injure him. I would have paid the money in March if the contract in London had been complied with as stipulated, as well on yours as Judge Eve's account. I knew that more than half the money would certainly be paid when the bill fell due; and you suggested if it all could not, it could be arranged by another bill for the balance. I have no doubt, now, that every cent will be paid to the day since the reception of your letters. Burnly mentioned to me that he had told you he would endorse the bill. If I had known it at the time the bill arrived, I should have procured his endorsement, although I knew he would endorse it; still, at that time his own affairs were giving him trouble, and he owed me the amount; still I did not wish to involve him, even

by possibility, in an affair in which he had no interest. You will receive the letter of Judge Eve, who writes also to Dr. Richardson. I hope, indeed I am confident, under all the circumstances, that the execution will not be passed. The Dr. I know has no disposition to injure the judge. They have been old friends. I know also that it is far from your intention. I am willing to do any thing to assist or relieve either of you, and I have an abiding hope that both of your proud spirits will rise above your present distress, and will once more be afloat. I have never had any other than the old stock; I have never had less than 44,000 in the treasury. The only embarrassment about it is this: they lost my stock in the office; they are willing to give me duplicates, upon my affidavit of the lost numbers. I cannot now specify them, because I sold some $2,000 to a man who is dead, and I do not know where his papers are, so I can ascertain the Nos sold. The secretary now promises to issue, upon my leaving on deposit double the amount sold, which I will do. The Galveston stock I will get for you. I will write before long about politics. The President has issued his order for troops to rendezvous at Corpus Christi, the 20th July, for invasion.

Very sincerely, your friend,
JAS. LOVE.

Exhibit G.

Exhibit or Letter G.

GALVESTON, *July 4th*, 1842.

DEAR GENERAL: You will receive from Judge Eve by this mail the note, or rather bill, prepared as you wish it, with the exception of Burnley's endorsement; he had left before your letter arrived. I have written to him to endorse, which was arranged with him before he left. Forward the bill to him should he have left Kentucky before this reaches you, for his endorsement.

All the stock I have is of the same sort as yours; all purchased at the same time, and then distributed. The six thousand dollars has not been transferred on the books; and as you wish it, I will, if I can, see the person who holds it, get it back and give him other stock.

The Galveston stock I have. It is necessary I should retain it in my own name, that I may control the action of this company, having barely a majority of the votes, the object of which is to make it valuable, or rather prevent any unfair disposition of the property or effects. You may consider this as an obligation to convey you two shares, to be as a set-off against the note you hold. I believe that was the price you proposed, $250 the share. You need not regret that you cannot come to make war for us. The present executive never intended to have any—will have none, or do any thing else, unless he is forced by circumstances. No country struggling as we are for existence was ever

cursed with such miserable dotard and lunatic, nor one so little suited to the times. I beg your pardon; I believe you are pretty much in the same fix. You will have seen Burnley, who can give you all the particulars.

Your friend,
JAMES LOVE.

Exhibit C.

Exhibit Letter C.

GALVESTON, *Sept.* 21, 1840.

MY DEAR SIR: I am to-day in receipt of yours of the 5th August. The delay in correspondence for the last two months is attributable to the discontinuance of the steam-packet until the 1st of October, when they will again resume their regular trips. I think with you, that the result of the negotiation for the loan is more than doubtful, but still it is not so improbable as to produce despair. I have acted in this matter throughout with an eye to your interest, founded upon feelings of old friendship, and should exceedingly regret that you should lose by it, or even suffer great inconvenience. I have been thinking a good deal about it, and have come to the conclusion that you had better permit me to invest the surplus over $50,000 in real estate here. I can do so in a manner that, let the matter eventuate as it may, that the property secured by the surplus would be worth more than the original investment. If you wish it done, give me discretion, and give me time. The fears I entertain now is, if aid is not received from some quarter, the debt incurred will be so large as to require long time to pay it; and as a consequence of non-payment of interest, the bonds will be so much depreciated as to become valueless. Do not suppose from this remark, that there is or has been a disposition to violate the public faith. On the contrary, every disposition prevails to redeem it. The only candidate for Congress that I have heard of, that avowed a disposition to do it, was beaten 200 votes. You will have heard the Mexican news; they are warring it gloriously with each other; on our side the Rio del Norte there is 1,500 federalists embodied; they are for a march on Matamoras. The government here is not interfering in this matter, although the citizens are giving aid, and there is 400 Americans in the army; they are already in possession of Laredo and Meire, about 60 miles above Matamoras. You have heard of the daring foray of the Camanches; they came down to Matagorda bay in force about 400. It was a sudden dash; they were within 15 miles of the mountains with 400 mules loaded with plunder, when they were intercepted, beaten, many of them killed, with the loss of all their horses and every thing. A force is concentrating now, to go into their country. They will not trouble us much more. They are a bold race, but have no place to hide; it is a war of extermination. So be it, we have had perfect health on the island; none of my family have been sick. We took 513 votes and beat the Locos easily; they are

a doomed race. I have made some bets, but none for you. If I can get such as you propose, I will write you. I *won* $200 that I could name the county that would give the least vote for Van Buren in Ky., and have won it. I have bet 1,000 to $5,000 that Van will not get 100 electoral votes. I have bet $2,000 on New York, and $1,000 on Tennessee, and some other smaller bets. I wish I had room to write you more.

JAS. LOVE.

Exhibit E.

Exhibit or Letter E.

GALVESTON, *Feb'y 17th*, 1842.

DEAR GENERAL: I reached home yesterday, and the thousand things constantly occupying my time and attention, and the thousand persons constantly at my elbow, makes it impossible for me to write you as fully as I could wish. By the return of the N. York, if I do not come, I will write fully in relation to matters of business, and send your stock. Judge Eve is sick this morning, and it is enough to say, that whatever he wishes done I will do, and he expresses the greatest wish to have it settled satisfactorily to you. If B. comes in the N. Y. I will go over; if not, I cannot leave until his arrival.

Houston will not co-operate in any thing calculated on an attack of Mexico by land or sea. He is for himself, and against the world. In the Senate and H. R., on the same day, and by concert, resolutions were offered making him dictator—in effect to give him power to raise men and money at will, and take command. They passed the Senate 12—2; rejected in the House, 29—7. He has treated Hamilton in the most disgraceful manner; not personally, but in his acts. He is recalled, and a little abortion of humanity, a printer, a Canadian, is appointed to exchange ratifications. There is much opposition daily being developed against him, and if things get much worse and he is stubborn, down he will come with a heavy fall. The dander of Johnston is up; a strong feeling is arising to make him President, and I think we will have no trouble about it. The Navy is recalled, and not a single step is taken to organize for resistance, or have the militia in readiness. Nothing done, except what the crazy imagination of an opium eater dreams of. I am happy to learn my friend Frank is out of danger. I should like to see him; tell the boys in Lexington of his being sent for in a dictator's carriage. I hope he is in N. O. by this time; *of* so, tell him we all felt much interest for him, and I would like to see him.

Very respectfully, yours, JAS. LOVE.

Exhibit H.

Exhibit Letter H.

GALVESTON, *Feb'y 10th*, 1844.

General LESLIE COMBS:

DEAR SIR: Your favor of the 6th Dec. last has been received to-day. Mr. Smith has not made himself known, and I am led to sup-

pose that it was delayed in his hands and forwarded by some others. The stock which I so unfortunately permitted to go out of my hands has not as yet been presented for transfer, and I have not, of course, been able to get the identical stock for you. I have engaged the services of a friend in the U. S. to trace it up. I believe it is in N. O., and if so, I shall soon be able to effect an exchange and have it delivered as you request. In relation to the other matters, I explained to you at the time why I could not, consistently with my own interests, transfer Galveston city stock. The reason was, and is, that I retain the bare majority that votes, and I was not willing that the control of affairs heretofore honestly and well managed should be given to other hands who might not be equally honest; when I said this, I did not think you should have pressed for the stock until I might have my own interests safe. I have made no transfer to my English friends, whatever. You may wish to imply by the term "safe keeping" that I had no authority to sell your stock; if so, you are mistaken. I not only have your letters, but a power of attorney to do so. Waiving this, however, it was a matter I could scarcely *expected* professing to be a friend could take the least exception to. It was no more than if a gentleman handed you in Louisville $500 to deliver in Lexington and you used the money, and you gave a check on the bank. The stock offered you is identically of the same class, bought and funded at the same time. It always pains me to have any kind of altercation or misunderstanding with an old friend. If I know myself, I felt no less interest for you than myself, and if matters had transpired as I had a right to expect, it was my intention to have assisted in extricating you; and nothing would give me more pleasure than to see you prosperous, rich, and happy. Whenever the time arrives that I can, consistently with the great interest I hold in Galveston, let you have stock, it shall be done, if you prefer it. You first did me injustice by distrust, originating I know not how; and even if my affairs had been in a ruinous condition, you might have had the charity to suppose that I would not have added to your losses in Texas. The public rumor of my failure proceeded alone for the want of a less sum than a single crop would bring, and for two successive years a crop will have paid all I owe. I have never contradicted this rumor, because it would do me no good, and when the public once takes up a notion of that sort, it is never corrected until the last debtor is paid. I am not changed in any particular, and you will know after while that I still hold and practise the doctrine of honesty, &c. Now although you subscribe yourself my O. H. S., I am still induced to use the old signature.

Your Friend, JAS. LOVE.

Exhibit D.

Exhibit D.

DEAR SIR: I owe you an apology for the apparent neglect, or not sooner replying to your letter of 2d inst., and which, by some oversight,

never came to my notice until last evening when clearing up my table.

As regards the Texas bonds to which you allude, I have only to observe that I have not, and never had, any pecuniary or other interest in said bonds, and that neither of them are in my possession, or under my control, but I presume the party in New Orleans to whom they belong will have no objection to testing amicably any rights which Gen. Combs may think he possesses respecting them.

Respectfully, your obe't serv't,

WM. L. HODGE.

Washington, 2 March, 1853.

J. H. BRADLEY, Esq.,
Washington.

Exhibit E.

Exhibit E.

STATE OF LOUISIANA,
Commercial Court of New Orleans.

JOSIAH LEE
vs.
WILLIAM L. HODGE. } No. 8,007.

Petition filed May 7th, 1846.

To the Honorable Charles Watts, Judge of the Commercial Court:

The petition of Josiah Lee respectfully represents to this honorable court, that William L. Hodge is indebted to him in the sum of two thousand five hundred dollars with interest, and costs, for this: that your petitioner, through Messrs. Horace Bean & Co., purchased of Wm. L. Hodge, through his broker, Henry W. Palfrey, on the 6th of February last, fifty shares of the stock in the consolidated fund of Texas, the nominal value of which is one hundred dollars per share, and paid him therefor fifteen hundred dollars, which was thirty cents on the dollar, receiving therefor, at the time of such payment, the accompanying certificate, to which, for greater certainty, your petitioner begs leave to refer this honorable court. The said Hodge, through his said broker, Henry W. Palfrey, when he delivered the certificate and received the money expressly agreed to furnish the said Horace Bean & Co. with a regular and full power of attorney from Lestie Combs, (in whose name the stock stands on the books of Texas,) with the ordinary delays of the mail, and the necessary time to prepare the same, the said Combs residing at Lexington, Kentucky. Messrs. Horace Bean & Co. wrote a letter to said Combs, in behalf of your petitioner, demanding the same, of which letter the paper hereto annexed marked A contains a true copy, to which letter no reply has been received; in place of which Messrs. Forman, Kennedy & Co. presented to Messrs. Horace Bean & Co. a letter from said Combs, of which letter the paper hereto appended

marked B contains a true copy, to which your petitioner begs leave to refer this honorable court.

Your petitioner further represents to this honorable court, that Messrs. Horace Bean & Co., in behalf of your petitioner, have frequently demanded of the said Wm. L. Hodge the promised power of attorney to transfer the said stock, and that he has neglected and refused to furnish the same, and that the said Wm. L. Hodge has refused to return the said fifteen hundred dollars, although the same has been frequently amicably demanded of him.

Your petitioner therefore prays, that the said William L. Hodge be cited to appear and answer this petition, and that after due proceedings at law he be condemned to pay to your petitioner fifteen hundred dollars, with interest from the 6th February, 1846, costs of this suit, and one thousand dollars damages, and for general relief; and, as in duty bound, your petitioner will ever pray.

JACOB BARKER,
Counsel for Plaintiff.

Order and receipt written on petition:

Let Mr. Hodge have the Texas bond annexed.
January 31, 1850.

JACOB BARKER,
Counsel for Plaintiff.

Received the bond January 31, 1850.

WM. L. HODGE.

Answer filed November 20th, 1846.

JOSIAH LEE
vs.
WILLIAM L. HODGE. } Fourth Dist. Ct. of N. Orl's.

Now comes the said defendant, William L. Hodge, and for answer to the petition of the plaintiff herein he saith, that he admits the sale through H. W. Palfrey, broker, to Horace Bean & Co., of a certain certificate for Texas stock, which is now fully described in said plaintiff's petition.

But defendant alleges that, at the time he assigned the said certificate, and at the time he sold the same as aforesaid, Col. Love, of Galveston, Texas, was the duly appointed agent and attorney in fact of Leslie Combs, in whose name the stock stood on the transfer books in Texas; that said Love was fully authorized to transfer the said stock on behalf of said Combs; and that he ever was, and now is, ready and willing to transfer the said stock to defendant, or to any person by him appointed; that due and legal notice to this effect was given to said Horace Bean & Co., but that they have never applied to said Love, nor taken any steps whatever to obtain said transfer. Defendant denies all the allegations of the plaintiff not herein admitted, and particularly

that he ever agreed to furnish any other power of attorney from said Leslie Combs than the one above stated; and that either this defendant or said Love has been ever put in default to make the transfer of the stock as aforesaid. Wherefore defendant prays to be hence dismissed, with all costs, and for general relief.

(Signed) E. A. BRADFORD, *Att'y.*

Affidavit and motion for Commission—Filed Nov. 28, 1846.

JOSIAH LEE
vs.
WILLIAM L. HODGE.

William L. Hodge, defendant in said suit, being duly sworn, saith, that the testimony of James Love is material to him in the above suit to enable him to maintain his defence; and that the said James Love resides at Galveston, in the State of Texas.

WM. L. HODGE.

Sworn to and subscribed this 28th day of November, 1846, before me.

J. R. TOLEDAUS, *D'y Clerk.*

On motion of E. A. Bradford, of counsel for the defendant in said suit, and on filing the above affidavit, it is ordered, that a commission issue herein, directed to any judge or justice of the peace, or other person qualified to administer oaths, to take the deposition of James Love, to be used on the trial of said suit.

Reasons for Judgment—Filed February 3, 1848.

LEE
vs. 4th Dist. Ct.
HODGE.

The plaintiff sues to recover back the price of a bond of Texas stock sold in 1846 to plaintiff, on the ground that a *a* power of attorney agreed to be furnished for transfer of the stock has not been so furnished. The proof as shown by the broker's certificate of sale, and the testimony of three witnesses, sustains his claim.

1st. It is opposed to this, that there was a power to transfer in the hands of a Mr. Love, of Galveston, which plaintiff was bound to refer to; and 2d, that the blank endorsement of the owner authorized plaintiff to write over it the necessary authority.

Neither of these objections appear to me tenable. I think the intention was, that a special power to transfer this particular bond was contemplated. But laying this out of view, it is shown that application was made to Combs, owner of the stock, who refused; and also to Love, who proposed to give another similar bond or furnish the authority to transfer; neither of which he did, though required. The agree-

ment that the endorsement had given this authority by the blank endorsement, might have weight if this fact stood alone. But I must assume that the endorsement was made at the time of sale; yet the parties stipulated additionally for the power of attorney; this was unnecessary, if they intended such an instrument to be written over the endorsement, and would leave the stipulation without effect, which is not consistent with the rules of interpretation.

The terms of the contract form the laws between the parties, and I have not the power to change them for others, though they may appear more convenient. It is therefore adjudged that plaintiff do recover from the defendant, William L. Hodge, the sum of $1,500, fifteen hundred dollars, with interest at 5 per cent. from 7th May, 1846, and costs of suit.

Judgment.

JOSIAH LEE
vs.
WILLIAM L. HODGE. } No. 8,007.

For the reasons assigned in the written *opion* of the court this day delivered and on file, it is adjudged and decreed that the plaintiff, Josiah Lee, recover from the defendant, William L. Hodge, the sum of fifteen hundred dollars, with 5 per cent. interest from 7th May, 1846, and costs of suit. Rendered 3d February, 1848.

Signed 8th February, 1848.

GEO. STRAWBRIDGE,
Judge 4th D. C.

Decree of Supreme Court.—Filed and recorded May 26th, 1848.

Supreme Court of the State of Louisiana, Monday, May 22d, 1848.

The court met; present their honors George Eustis, Chief Justice, George R. King and Thomas Slidell, associate justices. His honor Judge P. A. Rost is absent.

JOSIAH LEE, App'ee,
vs.
WILLIAM L. HODGE, App't. } 909.—Appeal from the Fourth District Court of New Orleans.

In this cause the court this day delivered their opinion in writing, in the words and figures following:

For the reasons assigned by the judge of the court below, it is ordered, adjudged, and decreed that the judgment of the court below be affirmed with costs.

A true copy.

J. McCULLOCH, *D'y Clerk.*

Clerk's Office, New Orleans, May 26th, 1848.

STATE OF LOUISIANA,
Fourth District Court of New Orleans.

I, Samuel Gilmore, deputy clerk of the fourth district court of New Orleans, State aforesaid, do hereby certify that the foregoing *that the foregoing* seven pages and the above portion of a page contain true and correct copies of the originals on file and of record in the cause entitled Josiah Lee vs. William L. Hodge, No. 8,007 of the docket and records of the late commercial court of New Orleans; and I further certify, that pursuant to an act of the legislature of this State, approved the 30th day of April, 1846, the records of the said late commercial court have been transferred to this court, and are now in my custody and possession as deputy clerk aforesaid.

In testimony whereof, I have hereto set my hand and affixed the seal of said court at the city of New Orleans this 12th day of February, A. D. 1856.

[SEAL.]

SAM'L GILMORE, *D'y Clerk.*

I, Mortimer M. Reynolds, sole judge of the fourth district court of New Orleans, do hereby certify that Samuel Gilmore, whose signature appears to the foregoing certificate, is *is* now, and was at the time of signing the same, deputy clerk of the said court; that his aforesaid signature is genuine, and that to his official acts as such full faith and credit are due.

Given under my hand and seal at the city of New Orleans this 12th day of February, A. D. 1856.

[SEAL.]

WM. M. REYNOLDS, *Judge.*

Exhibit 4.

Exhibit 4.

AN ACT for the Relief of Leslie Combs.

Section 1. Be it enacted by the legislature of the State of Texas, That Leslie Combs be and he is hereby authorized to present his claim against the late republic of Texas (not to exceed one hundred and thirty-seven thousand two hundred and forty-six dollars and sixty-six cents, $137,246 66, principal and interest) to the auditorial board for adjustment; and the auditor and comptroller shall proceed to scale and audit the same as other like claims, confining themselves to the provisions of an act to provide for ascertaining the liabilities of the late republic of Texas, approved March 20th, 1848; and the claim of the said Combs, so scaled and audited, shall be and is hereby placed in the same condition as other first-class claims, as provided in an act providing for the liquidation and payment of the debt of the late republic of Texas, approved January 31st, 1852; and the same shall be paid under and in accordance with the provisions of the second section of said last recited act.

Section 2. This act to take effect from and after its passage.

Approved February 13th, 1854.

I, Edward Clark, Secretary of State, of the State of Texas, hereby certify the foregoing to be a true copy of the original act now on file in the State department.

Given under my hand and the seal of the department of [SEAL.] State, at the city of Austin, this the 8th day of June, A. D. 1854.

EDWARD CLARK,
Sec'y of State.

Order for Injunction.

On the back of said bill was the following endorsement:

Upon the complainant's filing an injunction bond to the defendants, in the sum of $1,000, with surety to be approved by the court, or one of its judges, conditioned to prosecute his writ with effect, and to answer all damages and costs which the defendants, or either of them, may sustain by granting this injunction, in case it be dissolved, let the writ of injunction issue as prayed.

By order of the court.

April 16th, 1856.

And said complainant filed the following injunction bond:

Injunction Bond.

Know all men by these presents, that we, Leslie Combs, of Fayette county, and State of Kentucky, and Henry B. Tyler, of Washington county, in the District of Columbia, are held and firmly bound to James Love, Andrew Hodge and William L. Hodge, and every of them, in the full and just sum of one thousand dollars, to be paid to the said James Love, Andrew Hodge and William L. Hodge, and every of them, their and every of their attorney and attorneys, executors, administrators and assigns; to which payment well and truly to be made and done we do hereby bind ourselves, and each of us, our and every of our heirs, executors and administrators, jointly and severally, firmly by these . Sealed with our seals and dated this thirtieth day of May, eighteen hundred and fifty-six.

Whereas the above bounden Leslie Combs hath filed his bill in the circuit court of the District of Columbia, for the county of Washington, against the said James Love, Andrew Hodge and William L. Hodge, praying an injunction to restrain the said Andrew Hodge and William L. Hodge, and all other persons claiming in any way, from receiving any money at the Treasury of the United States, or elsewhere, for or on account of said bonds or certificate of stock in said bill mentioned, and the said court hath ordered the same to be issued: Now the condition of the above obligation is such, that if the said Leslie Combs shall well and truly prosecute his said suit with effect, and shall answer all damages and costs which the defendants or either of them may sustain by the granting of the said injunction in case it be dissolved, then the said obligation to be void, otherwise to remain in full force and virtue in law.

LESLIE COMBS. [SEAL.]
H. B. TYLER. [SEAL.]

I know the security in this bond, Capt. H. B. Tyler, and that he has real estate in this city worth more than ten times the penalty of the bond.

JOS. H. BRADLEY.

Approved by the court.

Subpœna and Injunction Issued.

Thereupon subpœna and injunction issued as prayed, returnable at rules to be held on the first Monday of June next ensuing, at which said first Monday of June, in the year 1856, being the return day of the subpœna and injunction aforesaid, the marshal of the district, to whom they were directed, makes return thereof that he had summoned the said James Love and Wm. L. Hodge; and that he had not been able to find Andrew Hodge; and that he had served the said injunction on the said William L. Hodge; and the said defendants appear in said cause by Reverdy Johnson, esquire, their solicitor, and the following agreement of counsel was filed:

Marshal's Return.

Agreement of Counsel.

Circuit Court U. States for District of Columbia.

LESLIE COMBS
vs.
HODGE and others.

It is agreed in this case that the letters signed by James Love, one of the defendants, and filed as exhibits with the complainant's bill, dated respectively, Feb. 7, 1840, 21 Sept., '40, 17 Feb'y, 1842, 22 May, '42, to July, '42, and 10th Feb'y, '44, and in the handwriting of said Love, *and* were written at the said several dates. This admission is to make said letters evidence in said case, to have same effect only as if they were duly proven under a commission. It is further agreed, that the certificate signed James B. Shaw, comptroller, dated Austin, Jan'y 11th, 1848, complainant's exhibit B, is an original certificate; and that said Shaw was at the time comptroller of Texas. This admission is to make the said certificate evidence only to the extent that it could be if proved under a commission. It is also agreed, that the paper purporting to be a copy of an act of Texas for the relief of Leslie Combs, (the complainant,) and approved the 13 Feb'y, 1854, complainant's exhibit 4, is to be taken as a true copy of said act, unless it shall be made to appear by the public statutes of the said State that it is erroneous, in which case the statute as so published is to be received in evidence of said case.

JOS. H. BRADLEY,
Sol'r for Compl't.
REVERDY JOHNSON,
Sol'r for W. L. & Andrew Hodge.

Washington, 5 June, 1856.

Cause Continued.

And said cause was regularly continued with the consent of the said parties, by their said solicitors, until the 12th February, 1857, when the following agreement of counsel and decree of the court was filed:

Agreement of Counsel.

In Equity in the Circuit Court of the District of Columbia.

LESLIE COMBS
vs.
HODGE and others.

It is hereby agreed by and between the parties to the foregoing cause, acting herein by their respective solicitors, in this court, that the fund enjoined and remaining in the treasury under the injunction heretofore issued in this cause may be withdrawn from the Treasury of the United States by George W. Riggs, as receiver, and invested, to bear interest, he giving bond for the return of the same, under the decree of this court hereafter to be made in the said cause.

REVERDY JOHNSON,
Sol'r for Defendants.

BRADLEY,
Sol'r for Complainants.

S. S. BAXTER,
Solicitor for

12 Feb'y, 1857.

Order of Court.

COMBS
vs. In Chancery.
HODGES.

In this cause, on motion of the solicitors of the plaintiff, and by consent of the solicitor of the defendant, and in pursuance of the agreement, and dated the 12th Feb'ry, 1857, it is ordered, this 26th March, 1857, that George W. Riggs be appointed receiver in this cause; and when the said Riggs shall have executed a bond to the United States of America, in the penalty of twelve thousand dollars, conditioned to account for the said fund according to the future order of this court, and with security, to be approved by this court or one of the judges thereof, the said George W. Riggs is authorized to draw from the Treasury of the United States the sum enjoined in this cause and invest the same, to bear interest, and subject to the future order of this court.

By order of the court.

Test: JNO. A. SMITH, *Cl'k.*

Thereupon the said George W. Riggs filed in court the following bond, which was approved of by the court:

Bond—G. W. Riggs.

Know all men by these presents, that we, George W. Riggs, Jr., and Adolphus T. Kiechofer, of the city of Washington, in the District of Columbia, are held and firmly bound to the United States of America, in the sum of twelve thousand dollars, for the payment whereof we severally and personally bind ourselves, our heirs, administrators and assigns, by these presents. In witness whereof, we have hereunto set our hands and seals at Washington, in the District of Columbia, this eleventh day of April, 1857. Now the condition of the above bond is such, that whereas the above George W. Riggs, Jr., by an order of the circuit court of the District of Columbia, in the county of Washington, issued the 26th March, 1857, in the suit of Combs vs. Hodge et al., was authorized to withdraw from the Treasury of the United States certain money pending in the said above suit, and to hold the same, subject the future order of said court, now if the said George W. Riggs, Jr., shall hereafter well and truly pay over said money under such future order of the court, together with interest thereon at the rate of five per cent. per annum, from the time of receiving said money until it is thus paid over, then the above bond is to null and void, but otherwise to remain in full force and virtue.

GEO. W. RIGGS, [SEAL.]
A. T. KIECKHOOFER. [SEAL.]

Sealed and delivered in presence of—
W. BESTOR,
CHAS. H. JAMES.

Approved by the Court.

We agree to and approve this bond, and the rate of interest stipulated therein.

JOS. H. BRADLEY,
Sol'r Complainant.

WM. L. HODGE,
For self and the Administrator.

Cause Continued.

And said cause was regularly continued until the nineteenth of May, 1857, when Andrew Hodge's death was suggested, and J. Ledyear Hodge, his administrator, appears by Reverdy Johnson, esq., his solicitor, and files in court the following answer:

Ans. of J. L. Hodge, Adm'r.

The answer of J. L. Hodge, administrator with the will annexed of Andrew Hodge, late of the State of Louisiana, deceased, and one of the original defendants in the bill of complaint of Lestie Combs.

This respondent, saving the benefit of any errors and informalities in said bill, answering, says, that he is the administrator with the will annexed of the said Andrew Hodge, and has duly qualified as such, as will appear by a copy of his letters of administration herewith exhibited, marked (A), and prayed to be considered as a part of this answer. Your respondent states that he has been informed and believes, and therefore avers, that the bonds referred to in said bill were for value; and without any notice on the part of *this* said testators of any defect of title in the same, or of want of authority to sell the same, were transferred by a certain James Love, in the bill named, to said testator, he, the said Love, then having a power of attorney for the purpose from the complainant, and possession of the said bonds, with the blank endorsement of the complainant.

For the facts relating to said sale and purchase, and those accruing afterwards, as defendant has no personal knowledge, he refers to the answer of the defendant of H. L. Hodge, and makes it a part of his answer, and prays to be dismissed from the complainant's bill, and that a decree may be had, and adjudging said bonds, and the amount due on acc't thereof in the Treasury of the U. States, to be the property of this respondent, as administrator aforesaid of said Andrew Hodge.

REVERDY JOHNSON,
Sol'r for Respondent.

And the said Wm. L. Hodge, by his solicitor aforesaid, files in court here his answer, to wit:

Answer of W. L. Hodge.

The answer of William L. Hodge, of the city of Washington, to the bill of complaint of Lestie Combs, filed against him and Andrew Hodge, in this court, respectfully sets forth: That reserving to himself the advantage of the errors and informalities in said bill contained, and answering, says, that he, this respondent, has not and never had any interest in the Texas bonds referred to in the bill, but that the same to his knowledge were duly transferred by James Love, the person named in the bill, to the aforesaid Andrew Hodge, fairly and for full value, and with a full conviction and belief on the part of said Andrew that Love had the clear right and authority to make such transfer derived from the complainant, backed by a power of attorney, and by the giving said Love possession of the same for the purposes of negotiating them with his, the complainant's, blank endorsement thereupon. This respondent was, at the time, residing in N. Orleans; that after Andrew Hodge thus became the owner of said bonds they remained in posses-

sion of respondent, and on account of said Andrew, who was his brother, and whose business in New Orleans, and in relation to these bonds, was attended to by respondent for Andrew; the said respondent, for his brother, sold the same to a certain Jacob Barker, of said city, and received the purchase-money. That afterwards the said Barker hearing that the complainant set up a title to the bonds, he proposed to respondent to return them to him, and receive back the purchase-money which this respondent refused. Barker having no knowledge that respondent was acting as the agent of his said brother, then brought suit against respondent, and obtained judgment for the amount he claimed, which was afterwards paid by said Andrew. This respondent, at the time when Barker proposed cancelling the said sale, *respondent* advised him to send the bonds to Texas to have them transferred on the transfer books of the treasury to him, Barker, and showed him a letter from Love, saying that he, Love, held a power of attorney from complainant to make the transfer, and that if the bonds were sent to him in Texas, where he then was, he would make the same, but Barker stated the cause, he said, to be as above. The relations existing between respondent and said Andrew at this time were such, that he did not deem necessary to defend the suit of Barker, on the ground that he had been but an agent in the transaction, Andrew being the principal and exclusive owner of said bonds, and having received the money paid by Barker from respondent, he, respondent, well knowing that if he was compelled to account to Barker for the latter, his said brother would give him the said money, as was due, and said bonds returned by Barker, and given by respondent, or held by him for and on account of his said brother, to whom the same even after exclusively belonged to the period of his death, in July, eighteen hundred and fifty-six, (1856.) That said bonds now are the property of his estate, to be disposed of with his other estate, by the will which he left, and which has been admitted to probate, and in this district, and letters testamentary with the will annexed *has* been duly granted to J. Ledyear Hodge, a resident of Pennsylvania; and that under the said will respondent has no interest in the estate left by said Andrew, he having devised the same to other parties.

REV'D JOHNSON,
Sol'r for Respondent.

Washington City.

Sworn to in open court by W. L. Hodge.
Test: JNO. A. SMITH, *Cl'k.*

Averment.

Thereupon the said complainant, by Jos. H. Bradley, esq., his solicitor, says, that saving and reserving to himself all and all manner of exceptions, &c., for replication to the answers of said defendants, saith, that he does and will aver, maintain and prove, his said bill to be true and sufficient in the law to be answered unto by said defendants; and

that the answers are very uncertain, evasive, and insufficient in the law to be replied unto by the repliants, without that, &c.

Cause set for Hearing.

Whereupon, with the consent of the parties aforesaid, by their solicitors aforesaid, and by order of the court had thereon, the said cause was set for hearing on the bill, answers, exhibits, agreements, and general replication; and the said cause coming on to be heard, and the whole having been seen, heard, and read by the court, and the parties, by their solicitors, being heard, and the matter fully understood, the court, after mature deliberation, made the following decree in the premises, to wit:

Decree of Court.

Circuit Court of the District of Columbia.

COMBS
vs.
W. L. HODGE and al.

This case being ready for final hearing, and the same having been argued by the solicitors of the respective parties, and since fully considered; it appearing to the court that there is no ground upon which the complainant is to be held entitled to the bond in controversy, but that the same should be paid to the respondent. John L. Hodge, administrator under the will annexed of the original defendant, Andrew Hodge: it is by this court, and the authority thereof, on this 30th day of May, in the year 1857, adjudged, ordered and decreed, that the bill of the complainant be, and the same is hereby, dismissed, and the injunction heretofore issued be, and the same is hereby, dissolved. It is further adjudged and decreed, that the complainant pay all the costs.

By order of the court.

Test: JNO. A. SMITH, *Cl'k.*

Appeal Prayed and Granted.

Thereupon the complainant, by his solicitor aforesaid, prays an appeal from the judgment aforesaid, so as aforesaid rendered, to the Supreme Court of the United States, and it is granted him; whereupon he files in court here a certain writing obligatory, commonly called an appeal bond, in the following words, to wit:

Appeal Bond.

Know all men by these presents, that we, Leslie Combs ————, are held and firmly bound unto James Love, J. L. Hodge, administrator of Andrew Hodge and William L. Hodge, in the full and just sum of three thousand dollars, current money of the United States, to be paid to the said James Love, Andrew Hodge, and William L. Hodge, their certain attorney, executors, administrators, or assigns; to which